fine and the principal case undoubtedly comes nearer to following the spirit and reasoning of the rule, when it holds such agreements are in effect assignments of the emoluments of the office and therefore void as against public policy.

CORPORATIONS—SERVICE OF PROCESS IN ANOTHER STATE AS "DUE PROCESS OF LAW."—*A* suit was brough against a domestic corporation on an agreement to convey lands. There were no officers of the corporation within the state at that time, and the summons and complaint were served on the treasurer of the corporation, residing in another state, by the sheriff of the county in which the treasurer resided. Judgment was taken by default, and defendant appeals on the ground that such service is not "due process of law." The statute does not say that service of summons on a domestic corporation shall be made within the state, but does so provide in regard to foreign corporations. *Held,* that a domestic corporation is at all times within the territorial jurisdiction of the state courts, that the purpose of the statute is not to bring the non-resident officer within the jurisdiction, but to bring the domestic corporation within the jurisdiction; and as such service would give sufficient notice of the pendency of the action or proceeding, which is the fundamental requirement of "due process of law," it was sufficient. *Straub* v. *Lyman Land & Investment Co.* (S. D. 1912) 138 N. W. 957.

An examination of the authorities has failed to disclose a case directly in point. A domestic corporation is necessarily resident within the state, and cannot remove itself therefrom, either permanently or temporarily. 1 THOMPSON, CORP., Ed. 2, § 490; 1 COOK, CORP., Ed. 6, § 1; *Bank of Augusta* v. *Earle,* 13 Pet. 519, 10, L. ed. 274. The domicile of a corporation is entirely distinct from the personal domicile of its officers or stockholders. *Perry* v. *Round Lake Assoc.,* 22 Hun 293. Since a corporation is a mere creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly or as an incident to its very existence. 1 THOMPSON, CORP., Ed. 2, §3. A legislature has power to prescribe the method of service on corporations, subject only to the rule that the method provided must be one that with reasonable certainty will result in a corporation actually receiving the notice. 3 THOMPSON CORP., Ed. 2, § 3050; *State* v. *Myers,* 126 Mo. App. 544, 104 S. W. 1146; *Town of Hinckley* v. *Kettle River R. Co.,* 70 Minn. 105, 72 N. W. 835. The service of process here may be said to follow the forms of law, and was apropriate to the case and just to the parties to be affected. It was therefore "due process of law." *Hagar* v. *Reclamation Dist.* 111 U. S. 70; *Hurtado* v. *California,* 110 U. S. 516.

DEEDS—RESERVATIONS AND EXCEPTIONS.—A tract of 40 acres and a smaller tract, upon which there was a mill, were owned by one person. The mill was run by water power. Feb. 4, 1870, the mill property was mortgaged, by a foreclosure of which and by subsequent mesne conveyances the premises came to defendant. In a foreclosure of a mortgage upon the 40 acre tract there was a conveyance of the same on July 16, 1870, "excepting and reserving the right to any and all persons who may at any time hereafter own the

water privilege heretofore connected" with the mill property "to flow said premises to the same extent that" the former common owner had the right to flow the same. The plaintiff is owner of the said 40 acre tract. Defendant, the old mill dam having been destroyed, erected a new and higher one which had the effect of flooding most of the 40 acres. In an action by plaintiff to compel defendent to lower the dam to its former height the lower court refused to interfere with the defendant's flooding the 40 acres, on the ground that the clause above quoted gave the owners an unlimited right of flowage on the 40 acres. On appeal, *held* that the judgment should be reversed. *Beardslee* v. *Berlin Lt. & Pr. Co.* (N. Y. 1912) 100 N. E. 434.

Defendant claimed that under the deed of July 16, 1870, the mill owners had acquired an unlimited right of flowage of the 40 acres. Plaintiff conceded that defendant as owner of the mill property could flood the 40 acres to the same extent as the 40 acres were apparently burdened when owned by a common owner, on the theory evidently that such right went with the quasi-dominant estate upon severance of same from the quasi-servient, but insisted that the deed of July 16, 1870 had not enlarged the mill property's easement, on the ground that the reservation or exception therein could not be effective to create any new rights in a third party. The court sustained the position taken by plaintiff and, it seems, correctly so. Where the owner of property has been in the habit of using quasi-easements of an apparent and continuous character over one part of his property for the benefit of the other part, and makes simultaneous conveyances of the quasi-dominant and quasi-servient estates to different persons, the respective alienees, in the absence of express stipulation, take the land burdened or benefited as it was at the time of the conveyance. *Phillips* v. *Low,* L. R. (1892) 1 Ch. 47; *Swansborough* v. *Coventry,* 9 Bing. 305; *Sanford* v. *Porter,* 34 Wash. L. Rep. 259; *Scott* v. *Moore,* 98 Va. 668; *Gorton-Pew Fisheries Co.* v. *Tolman,* 210 Mass. 402, 38 L. R. A. N. S. 882. It is elementary that a reservation to a stranger not a party to the conveyance is void. *Wickham* v. *Hawker,* 7 M. & W. 63; *Haverhill Sav. Bank* v. *Griffin,* 184 Mass. 419; *Littlefield* v. *Mott,* 14 R. I. 288. Where in a conveyance of land the grantor describes it as subject to an incumbrance in a third person, such provision in the deed saves the grantor from an action on his covenants, for the reason that the covenants apply *not* to the land *without* an incumbrance, but to the land *subject* to an incumbrance. BREWSTER, CONVEYANCING, § 204; *Edwards* v. *Clark,* 83 Mich. 246; *Flynn* v. *Bourneuf,* 143 Mass. 277; *Long* v. *Moler,* 5 Ohio St. 272; *Van Wagner* v. *Van Nostrand,* 19 Iowa 422.

ELECTIONS—VOTING MACHINES.—A petition was filed for a writ of mandamus against the Board of Election Commissioners to require them to furnish ballots and ballot boxes in accordance with the ballot law, on the ground that the act providing for the use of voting machines at elections was unstitutional. *Held,* for the reasons stated in the case of *Lynch* v. *Malley, infra.* that the law providing for these voting machines was consistent with the Illinois constitution. *People ex rel Hull et al* v. *Taylor et al,* (Ill. 1913) 100 N. E. 534.